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13 Counsel for Defendant ZUNIGA

14  
15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17  
18 SAN FRANCISCO DIVISION

19 UNITED STATES OF AMERICA,  
20 Plaintiff,  
21  
22 v.  
23 LUIS ZUNIGA,  
24 Defendant.

25 Case No.: CR 19-425 VC

26 DEFENDANT'S SENTENCING  
27 MEMORANDUM

28 Court: Courtroom 4, 17th Floor  
Hearing Date: January 21, 2020  
Hearing Time: 10:30 a.m.

1       The defendant is one of the many individuals brought over to federal court after being arrested  
 2 by state authorities for selling a small amount of drugs in the Tenderloin. In this case, Mr. Zuniga  
 3 sold undercover police officers \$17 worth of rock cocaine. His guidelines are 10 – 16 months. For  
 4 the reasons set forth below, Mr. Zuniga respectfully asks the Court to sentence him to “time served.”

5       As the Court is aware from the Presentence Report, Mr. Zuniga grew in a gang-controlled area  
 6 of Honduras with an abusive father, who beat his mother and the children in the house whenever he  
 7 got drunk. Although he began working in the fields with his father at age four, his father would  
 8 attack him and his mother constantly with knives and machetes. The abuse was so severe that by age  
 9 12 he was essentially kicked out of his house and had to live in the streets. He began using drugs,  
 10 and was constantly fighting with gang members. He never was able to attend school because his  
 11 family could not afford it.

12       A number of years ago Mr. Zuniga came to this country to make a new life, only to discover  
 13 that he had none of the life skills that would allow him to survive here. He was homeless and  
 14 continued to use drugs, and found himself being arrested a number of times for minor offenses. He  
 15 sold minor amounts of drugs to both feed his own habit and to buy food. In 2017, he was convicted of  
 16 an assessor to drug sales, and was placed on probation. As a condition of that probation, he was  
 17 attending various drug treatment classes in San Francisco prior to his arrest in this case.

18       Mr. Zuniga has now been in custody for approximately three and one-half months. The minute  
 19 he is released from custody, he is going to be deported back to Honduras. All of these facts indicate  
 20 that a sentence of time served will satisfy all of the goals of the Sentencing Reform Act. Mr. Zuniga  
 21 comes from an impoverished background where he grew up in truly horrible conditions.<sup>1</sup> He was  
 22 homeless at the time of his arrest, and was trying to survive on the streets. He has been punished by  
 23 having to serve a substantial jail sentence, considering the fact that this is a \$17 sale of drugs. And  
 24 most importantly, he will be deported when he is finished with this sentence. There is no need to  
 25 prolong this deportation by putting Mr. Zuniga in custody for a longer sentence.

26       For these reasons, Mr. Zuniga asks for a sentence of time served.

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 28       <sup>1</sup> The Probation Officer recognizes that Mr. Zuniga’s background might provide a basis for a  
           downward variance. See PSR par. 74.

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2 Dated: January 14, 2020

Respectfully submitted,

3 STEVEN G. KALAR  
4 Federal Public Defender  
5 Northern District of California

6 /S  
7 GEOFFREY A. HANSEN  
8 Chief Assistant Federal Public Defender